

## C. REMARKS

### *Status of the Claims*

Claims 1, 2, 5-8, 14-20, 23-26, and 32-41 are pending in the application. Claim 1, 7, 19, 24, 25, and 37 are amended. Claims 3, 4, 9-13, 21, 22, 27-31, and 43-61 are canceled.

### *Interview Summary*

On April 3, 2006, Applicants' representative, Amy Pattillo, contacted Examiner Tieu via telephone to discuss the pending claims. Applicants' representative noted, with respect to claim 15, rejected under 103(a) under Baulier et al, that the content of the rejection does not address any of the limitations of claim 15. The Examiner also noted that the rejection of claim 15 does not address the limitations of claim 15. Applicants' representative and the Examiner agreed that Applicants would file a responsive amendment and that if the Examiner needed to issue another office action, a non-final office action would be issued so that Applicants will be provided with sufficient opportunity to respond should there be a further rejection of claim 15.

### *Amendments to the Specification*

Applicants note amendments to the specification to correct a recurring typographical error that likely occurred in conversion of the text document of the specification where the quotation marks were replaced with other characters. Applicants have cancelled the other characters and inserted quotation marks as indicated above. Applicants respectfully assert that no new matter is added to the specification as a result of the amendment and respectfully request entry of the amendments to the specification.

### *Alleged Claim Rejection under 35 USC 102*

Claims 1-7, 10-14, 16-25, 28-38, 40-42, and 60-61 stand rejected under 35 USC 102(b) as being anticipated by Baulier et al. (US Patent 6,157,707) (hereinafter referred to as Baulier). [Office Action, p. 2] Applicants respectfully assert that, as amended, claims 1-7, 10-14, 16-25, 28-38, 40-42, and 60-61 are not anticipated by Baulier and therefore the claims should be allowed. In particular, Applicants note that "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single

10/022,165

17

Atty Docket: AUS920010844US1

prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). Furthermore the reference must be an enabling disclosure of each and every element as set forth in the claim. *In re Hoeckma*, 158 USPQ 596, 600 (CCPA 1968); *In re LeGrive*, 133 USPQ 365, 372 (CCPA 1962). Because Baulier does not teach each and every element of claims 1-7, 10-14, 16-25, 28-38, 40-42, and 60-61 or enable each and every element of these claims, these claims are not anticipated, the rejection should be withdrawn, and the claims should be allowed.

#### Claims 1, 19, and 37

Claim 1 currently reads:

1. (Currently Amended) A method for predicting fraudulent identification usage, comprising:
  - responsive to detecting authentication of an identity of a user via a communication line into a same identification used to singly represent said user within a network environment comprising a trusted telephone network and a packet switching network communicatively connected via a secure channel to said trusted telephone network, detecting a context for use of said identification by a context inference service executing within said packet switching network, wherein said context inference service is enabled to detect use of said same identification in association with a plurality of purchases within said network environment comprising at least one of an in-store purchase, an internet purchase, and a telephone purchase and in association with a plurality of non-purchase uses of said network environment comprising at least one of a phone call and an internet service access;
  - detecting, at said fraud protection service, [[a]] said context for [[a]] use of said [[an]] identification via [[a]] said communication line from said context inference service[[at a fraud protection service]];
  - analyzing, at said fraud protection service, said context for use of said identification in view of a plurality of entries for use of said identification each previously received by said fraud protection service from said context inference service, wherein each of said plurality of entries comprises a previously detected context for use of said identification for one from among said plurality of purchases and said plurality of non-purchase uses within said network environment; and
  - specifying, by said fraud protection service, a level of suspicion of fraudulent use of said identification according to said analysis of said context.

In the rejection of claim 1, the Examiner cited col. 6, lines 24-47 and col. 10, lines 1-7 and the description of “detecting subscriber’s signatures of a call service request, such as a calling card service request for use of card account” in Baulier as reading on the claim element

10/022,165  
Atty Docket: AUS920010844US1

18

of “detecting a context for a use of an identification via a communication line at a fraud protection service”, col. 5, lines 42-60 and col. 6, lines 48-57 and the description of “fraud management system analyzing the account” as reading on the claims element of “analyzing a context for use of an identification via a communication line at a fraud protection service”, and col. 7, lines 9-33 and a description of “scoring call and subscriber’s signature” of Baulier as reading on the claim element of “specifying a level of suspicion of fraudulent use of said identification according to said analysis of said context.” [Office Action, p. 2]

Regardless of whether the Examiner’s previous assertions as to claim 1 are correct, Applicants amend claim 1. In view of the amendments to claim 1, it is clear that Baulier does not teach each and every element of claim 1 and therefore Applicants request withdrawal of the rejection and allowance of the claims.

First, Applicants respectfully assert that with the amendment to claim 1, the specification fully supports each amended elements to the claim and therefore no new matter has been added to the application as a result of the amendment. In particular, as to the amended element of responsive to detecting authentication of an identity of a user via a communication line into a same identification used to singly represent said user within a network environment comprising a trusted telephone network and a packet switching network communicatively connected via a secure channel to said trusted telephone network, the specification supports the element throughout, and for example, in paragraphs 0037, 0039, 0072, 0076, 0086, 0092-0096, 0101-0128, and 0175 and for example where in paragraphs 0050 and 0051, the example of accessing a network using the Internet protocol describes a packet-switching network. As to the element of detecting a context for use of said identification by a context inference service executing within said packet switching network, the specification supports the element throughout, and for example, in paragraphs 0038, 0040, 0086, and 0098. As to the element of wherein said context inference service is enabled to detect use of said same identification in association with a plurality of purchases within said network environment comprising at least one of an in-store purchase, an internet purchase, and a telephone purchase and in association with a plurality of non-purchase uses of said network environment comprising at least one of a phone call and an internet service access, the specification supports the element throughout, and for example, in paragraphs 0039, 0042, 0165, and 0185-0187. As to the element of detecting, at said fraud protection service, said context for use of said identification via said communication line from

10/022,165

19

Atty Docket: AUS920010844US1

said context inference service, the specification supports the element throughout and for example, in paragraph 0041. As to the element of analyzing, at said fraud protection service, said context for use of said identification in view of a plurality of entries for use of said identification each previously received by said fraud protection service from said context inference service, wherein each of said plurality of entries comprises a previously detected context for use of said identification for one from among said plurality of purchases and said plurality of non-purchase uses within said network environment, the specification supports the element throughout, and for example, in paragraphs 0042, 0100, 0129, 0165, 0167, and 0184.

**Baulier does not teach or enable responsive to detecting authentication of an identity of a user via a communication line into a same identification used to singly represent said user within a network environment comprising a trusted telephone network and a packet switching network communicatively connected via a secure channel to said trusted telephone network**

Applicants respectfully assert that Baulier does not teach or enable responsive to detecting authentication of an identity of a user via a communication line into a same identification used to singly represent said user within a network environment comprising a trusted telephone network and a packet switching network communicatively connected via a secure channel to said trusted telephone network because Baulier does not teach enable a same identification used to single represent a user in a network environment of both a trusted telephone network and a packet switching network.

First, with respect to the amended element, Applicants respectfully note that the Examiner rejected claims 3 and 4 under Baulier, where claims 3 and 4 include the element of a trusted telephone network. Applicants respectfully disagree with the Examiner's interpretation of the scope of the teaching and enablement of Baulier with regard to the element of a trusted telephone network in claims 3 and 4. Therefore, in view of the amended elements of claim 1, which include a network environment comprising a trusted telephone network and a packet switching network communicatively connected via a secure channel to said trusted telephone network, Applicants respond to the Examiner's interpretation of "trusted telephone network" in claims 3 and 4 so it will be clear that Baulier does not teach or enable the cooperative network environment of both a trusted telephone network and a packet switching network outside the trusted telephone network.

10/022,165  
Atty Docket: AUS920010844US1

20

With respect to claim 3, which previously read “wherein said context is detected from a context inference service executing with a trusted telephone network”, the Examiner rejected the claimed element based on Baulier, col. 4, lines 5-21, stating that Baulier “further teaches the fraud prevention techniques in a fraud management system executed in a trusted telephone network such as networks that support online credit transaction, internet-based transactions, and the like”. [Office Action, p. 3] In addition, with respect to claim 4, which previously read “wherein said context is detected from a context inference service executing outside a trusted telephone network”, the Examiner rejected the claimed element based on Baulier figure 2, col. 4, lines 50-61 and col. 6, lines 35-47. [Office Action, p. 3]

Applicants respectfully disagree with the Examiner’s assertion with regard to claim 3 that equates a trusted telephone network with “networks that support online credit transactions, internet-based transactions, and the like.” Applicants respectfully assert that there is not enough information in Baulier’s description of “networks that support online credit transactions, internet-based transaction, and the like” to classify the network as a trusted telephone network. In addition, in the specification of the present application, in one example, a trusted telephone network is described in that “switching of a call within an independent service provider’s telephone network is considered trusted movement within a trusted network because the call remains within the company’s telephone network infrastructure. However, calls may be transferred from one service provider’s telephone network to another service provider’s telephone network in generally trusted movement. *Specification*, paragraph 0048. In contrast, the specification describes that systems within the trusted telephone network may access systems outside the trusted network, in the Internet Protocol over the Internet or an intranet is “untrusted and therefore may require verification and additional security.” *Specification*, paragraphs 0048, 0049, and 0050. Therefore, Applicants respectfully assert that where claim 1 is amended to describe “an identification used to singly represent said user within a network environment comprising a trusted telephone network and a packet switching network communicatively connected to said trusted telephone network via a secure channel,” Baulier’s description of online credit transactions and internet-based transactions does not teach the network environment comprising a trusted telephone network or the cooperative network environment comprising both a trusted telephone network securely connected with a packet switching network.

In addition, Applicants respectfully disagree with the Examiner’s assertion with regard to

10/022,165

21

Atty Docket: AUS920010844US1

claim 4 that equates a service outside the trusted telephone network with an “external process” or “external system” (Baulier, col. 4, lines 50-61) or call scoring function 210. The specification of Baulier does not provide any support to indicate that the “external process” or “call scoring function 210” are anything more than processes which may be performed by another process operating within a telephone network. There is no indication that the “external process” or “call scoring function” of Baulier operate outside of the telephone network. Further, with reference again to the rejection of claims 3 and 4, Applicants respectfully assert that merely because col. 4, lines 5-8 of Baulier describe that “the principles of the invention may be applied in networks that support on-line credit card transactions, internet-based transactions, and the like”, Baulier does not enable a service that operates outside the trusted telephone network.

Second, Applicants have amended claim 1 to clarify that the claimed network environment is a cooperative network environment between a trusted telephone network and a packet switching network, outside the trusted telephone network, and communicatively connected to the trusted telephone network via a secure channel. Baulier does not teach or enable a network environment of both a trusted telephone network and a packet switching network communicative via a secure communication channel. In addition, Applicants respectfully assert that merely because Baulier, col. 4, lines 5-8 describes that principles could be applied in a network that supports internet-based transactions, Baulier does not teach and particularly does not enable the amended network environment element of claim 1. Further, Applicants note, that the specification of the present invention, paragraphs 0048-0050, and 0075 teaches that within the trusted telephone network, movement and transfer of information is trusted, however, for communications between the trusted telephone network a network outside the trusted telephone network, additional verification and security are required; Baulier does not teach the secure channel of claim 1.

Third, Applicants have amended claim 1 to teach responsive to detecting authentication of an identity of a user via a communication line into a same identification used to singly represent said user within a network environment. As asserted, Baulier does not teach or enable the network environment of claim 1; therefore, Baulier does teach or enable authenticated a user identity into to one identification that singly represents the user throughout the network environment. In addition, Applicants note that in the rejection of claim 1, the Examiner refers to an example in Baulier of “a calling card service request for use of a card account number” as

10/022,165

22

Atty Docket: AUS920010844US1

reading on “use of an identification.” [Office Action, p. 2] Applicants respectfully assert that regardless of whether a card account number is associated with a particular caller or group of callers Baulier does not describe that card account number as singly representing the user within a network environment of both a trusted telephone network and a packet switching network. Further, Applicants note that as an advantage of the invention in the present application, Applicants have solved the problem of how to monitor a user at any point where the user may access a communication line and regardless of the authentication method used by the entry point, to authenticate the user identity into a same identification that can then singly represent the user within a network environment.

Therefore, because Baulier does not teach or enable at least one element of responsive to detecting authentication of an identity of a user via a communication line into a same identification used to singly represent said user within a network environment comprising a trusted telephone network and a packet switching network communicatively connected via a secure channel to said trusted telephone network, Baulier does not teach or enable each and every element of claim 1 and the claim should be allowed.

**Baulier does not teach or enable detecting a context for use of said identification by a context inference service executing within said packet switching network**

Applicants respectfully assert that Baulier does not teach or enable detecting a context for use of said identification by a context inference service executing within said packet switching network because Baulier does not teach or enable a service executing outside the trusted telephone network that detects the context for use of the identification within the trusted telephone network. As amended, claim 1 teaches a context inference service executing within said packet switching network. When claim 1 is viewed as a whole, claim 1 teaches an identification for use in a network environment of both a trusted telephone network and a packet switching network and a context inference service executing within the packet switching network for detecting the context of the current use of the identification.

As previously asserted, Baulier does not teach or enable a network environment comprising both a trusted telephone network and a packet switching network communicatively connected via a secure channel and Baulier does not teach use of a same identification within the network environment. Baulier also does not teach or enable a context inference service

10/022,165  
Atty Docket: AUS920010844US1

23

executing within a packet switching network that detects a context for the current use of the identification via a communication line within the network environment. In contrast, because claim 1 teaches detecting a context for use of said identification by a context inference service executing within said packet switching network, Baulier does not teach at least one element of claim 1 and the claim should be allowed.

**Baulier does not teach or enable wherein said context inference service is enabled to detect use of said same identification in association with a plurality of purchases within said network environment comprising at least one of an in-store purchase, an internet purchase, and a telephone purchase and in association with a plurality of non-purchase uses of said network environment comprising at least one of a phone call and an internet service access**

Applicants respectfully assert that Baulier does not teach or enable wherein said context inference service is enabled to detect use of said same identification in association with a plurality of purchases within said network environment comprising at least one of an in-store purchase, an internet purchase, and a telephone purchase and in association with a plurality of non-purchase uses of said network environment comprising at least one of a phone call and an internet service access because Baulier does not teach or enable a service enabled to detect use of a same identification in association with both purchases instore, via the telephone, and via the Internet and non-purchase uses of the network such as a telephone call and an internet service access. In the rejection of claim 1, the Examiner equates the “subscriber signature” of Baulier with the “context” of claim 1. [Office Action, p. 2] Baulier describes a “subscriber signature” that “may be initialized as shown in block 203 using scored call detail records from calls that have not been confirmed or suspected as fraudulent” and that the subscriber signature “can be updated using newly scored call detail records from subsequent calls that are not confirmed or suspected as fraudulent.” *Baulier*, col. 6, lines 38-46. Baulier does not, however, teach or enable a context inference service enabled to detect use of the same identification in association with purchases from among an in-store purchase, an internet purchase, and a telephone purchase and in association with non-purchase uses of the network environment including a phone call and an internet service access. In particular, Baulier does not teach or enable a context inference service executing outside the telephone network that detects all uses of the identification at any system within the network environment where the user identity is authenticated into the identification. In contrast, claim 1 is amended to teach a context inference service, executing

10/022,165

24

Atty Docket: AUS920010844US1



within the packet switching network, enabled to detect use of said same identification in association with a plurality of purchases within said network environment comprising an in-store purchase, an internet purchase, and a telephone purchase and in association with a plurality of non-purchase uses of said network environment comprising a phone call and an internet service access. Because Baulier does not teach at least one element of wherein said context inference service is enabled to detect use of said same identification in association with a plurality of purchases within said network environment comprising an in-store purchase, an internet purchase, and a telephone purchase and in association with a plurality of non-purchase uses of said network environment comprising a phone call and an internet service access, Baulier does not teach each and every element of claim 1 and the claim should be allowed.

In addition, Applicants note that claims 11 and 13 previously included the elements of “wherein said identification is utilized to access a web based service” and “wherein said identification is utilized for a web merchant purchase”, respectively. The Examiner rejected claims 11 and 13 based on col. 4, lines 5-8 and col. 6, line 59-col. 7, line 8 of Baulier. [Office Action, p. 3] As previously asserted, col. 4, lines 5-8 of Baulier merely describe that the principles of Baulier could be applied in “networks that support on-line credit card transactions, internet-based transactions, and the like” and that this mere reference to networks that support internet-based transactions does not enable the elements of claim 1 of detecting use of a same identification at a context inference service that monitors in-store purchases, internet purchases, telephone purchases, phone calls and internet service accesses. In addition, col. 6, line 59-col. 7, line 8 of Baulier describe that the “subscriber’s signature” may include information contained within the call detail records, such as “originating number; terminating number; billed number; start time and date; originating location; carrier selection; call waiting indicators; call forwarding indicators; three-way calling/transfer indicators; operator assistance requests; and network security failure indicators, to name a few. The particular elements to be used for establishing and updating a subscriber signature may depend on the type of network (e.g. wireline, wireless, calling card, non-telecommunication, etc.), the particular scoring method being used, as well as other factors that would be apparent to those skilled in the art.” Applicants respectfully assert that a mere indication that the elements of a “subscriber signature” depend on the type of network also does not enable the elements of claim 1 of detecting use of a same identification at a context inference service that monitors in-store purchases, internet purchases, telephone

10/022,165

25

Atty Docket: AUS920010844US1

purchases, phone calls and internet service accesses.

Further, Applicants note that claim 9 previously included the element of “wherein said identification is utilized for an in-store purchase” and that the Examiner rejected claim 9 under 35 USC 103(a) as being unpatentable over Baulier. [Office Action, p. 6] Applicants note, however, that no portion of the rejection under 103(a) in view of Baulier points to any portion of Baulier that teaches or suggests the identification “wherein said identification is utilized for an in-store purchase.” In addition, there no suggestion or motivation specified by the Examiner for modifying Baulier to teach or suggest the identification “wherein said identification is utilized for an in-store purchase.” To maintain a rejection under 103(a), a prima facie case of obviousness must be proven, including a showing that the reference teaches or suggests each element of the claim and that there is an articulated suggestion or motivation for modifying the reference. Because the Office Action does not provide a rejection of claim 9 that can be responded to by Applicants, no prima facie case of obviousness is established for claim 9 under the rejection under 103(a). Further, Applicants respectfully assert that Baulier does not teach or suggest detecting the context for use of the identification for an in-store purchase. Applicants respectfully request that if any subsequent rejection follows this response, that the Examiner provide a complete rejection of the element of use of the identification in association with an in-store purchase.

**Baulier does not teach or enable analyzing, at said fraud protection service, said context for use of said identification in view of a plurality of entries for use of said identification each previously received by said fraud protection service from said context inference service, wherein each of said plurality of entries comprises a previously detected context for use of said identification for one from among said plurality of purchases and said plurality of non-purchase uses within said network environment**

Applicants respectfully assert that Baulier does not teach or enable analyzing, at said fraud protection service, said context for use of said identification in view of a plurality of entries for use of said identification each previously received by said fraud protection service from said context inference service, wherein each of said plurality of entries comprises a previously detected context for use of said identification for one from among said plurality of purchases and said plurality of non-purchase uses within said network environment because Baulier does not teach fraud analysis of a current context for use of an identification in comparison with

10/022,165  
Atty Docket: AUS920010844US1

26

previously stored entries for use of the identification including the purchase and non-purchase uses of an identification. Claim 1 is amended to teach that the previously received entries include use of the identification across all the types of use detectable by the context inference service, including the multiple purchase uses and the multiple non-purchases uses within the network environment. Baulier describes that a “subscriber’s signature” can “be updated using newly scored call detail records from subsequent calls that are not confirmed or suspected as fraudulent.” Baulier, col. 6, lines 43-45. In addition, Baulier describes that “a subscriber signature may monitor many aspects of a subscriber’s calling behavior including, but not limited to: calling rate, day of week timing, hour of day timing, call duration, method of billing, geography and so on.” Baulier, col. 6, lines 59-63. Baulier does not, however, teach or enable, storing previously receives context use of the identification that includes use in purchases in-store, on the internet, and via the telephone and non-purchase uses of the network environment including internet service accesses and telephone usage.

Claim 19 and 27 are rejected on similar grounds as claim 1. [Office Action, pp. 3 and 5] Applicants note that the amendments to claim 19 and 27 mirror the amendments to claim 1. Therefore, Applicants respectfully assert that Baulier does not teach each and every element of claims 19 and 27 for the same reasons that Baulier does not teach each and every element of claim 1. Because Baulier does not teach each and every element of amended claims 19 and 27, Applicants respectfully request withdrawal of the rejection and allowance of the claims.

**Claims 2-7, 10-14, 16-25, 28-38, 40-42, and 60-61**

Claims 3, 4, and 9-13 are cancelled. Applicants respectfully assert that because claims 2, 5-7, 14, and 16-18 are dependent claims of claim 1 which is not anticipated by Baulier, claims 2, 5-7, 14, and 16-18 should be allowed as dependent claims of an allowable independent claim.

In addition, Applicants note an amendment to claim 7 to adjust claim 7 as dependent upon claim 5, which is dependent upon claim 1.

Claims 21, 22, and 27-31 are canceled. Applicants respectfully assert that because claims 20, 23-25 and 32-36 are dependent claims of claim 19 which is not anticipated by Baulier, claims 20, 23-25 and 32-36 should be allowed as dependent claims of an allowable independent claim.

In addition, Applicants note an amendment to claims 24 and 25 to adjust claims 24 and

10/022,165

27

Atty Docket: AUS920010844US1

25 as dependent upon claim 23, which is dependent upon claim 19.

Claims 60 and 61 are canceled. Applicants respectfully assert that because claims 38, 40-42 are dependent claims of claim 37 which is not anticipated by Baulier, claims 38, 40-42 should be allowed as dependent claims of an allowable independent claim. In particular, as to the cancellation of claims 60 and 61, Applicants note that previous election requirements and the addition of claims 60 and 61 to place claim set 37-41 and 60-61 within the same class as the other pending claims. Applicants respectfully assert that the amendments of claims 60 and 61 are incorporated into amended claim 37 to continue to place the claim set within the same class as the other pending claims.

***Alleged Lack of Obviousness under 35 USC § 103(a)***

Claims 8-9, 15, 26-27, and 39 stand rejected under 35 USC 103(a) as being unpatentable over Baulier. [Office Action, p. 6] Claims 9 and 27 are cancelled, as noted above with regard to claim 9 in the amendment to claim 1. Claims 1, 19, and 37, upon which claims 8, 15, 26, and 39 are dependent, are not anticipated by Baulier and therefore the dependent claims are not obvious under Baulier. Separately, the Examiner does not establish a prima facie case of obviousness as to claims 8, 15, 26, and 39 and therefore the claims should be allowed.

First, claim 15, which is similar in elements to claim 39, reads as follows:

15. (Original) The method for predicting fraudulent identification usage according to claim 1, wherein analyzing said context for use of said identification further comprises:

accessing a schedule of events associated with said identification; and

comparing a location for origination of use of said identification in said context with said schedule of events.

As previously noted in the Interview Summary, while claims 15 and 39 are listed as rejected under 103(a) in view of Baulier, the Examiner does not present any arguments in the office action indicating how Baulier teaches each and every element of claims 15 and 39 or any suggestion or motivation for modifying Baulier, as is required for the Examiner to establish a prima facie case of obviousness under 103(a). Therefore, Applicants respectfully request that should the Examiner issue another Office Action, that the Examiner provide a complete rejection of claims 15 and 39.

10/022,165  
Atty Docket: AUS920010844US1

28

In addition, as to claims 8 and 26, Applicants note that the Examiner rejects the claims based on Baulier in view of Office Notice. In particular, the Examiner states that Baulier teaches the fraud prevent/management system for managing fraud in other networks such as internet-based transactions (col. 4, lines 5-8). Baulier teaches the internet-based transactions, but fails to clearly teach said use of said identification comprising a service accessed from a service provider identified by said identification and placing an order with payment to an account provider identified by said identification; a billing plan further comprises at least one from among a service provider, an account provider and at least one shipping address, etc. drawn from the internet-based transactions. However, such is notoriously well-known in the art and the Examiner takes official notice of such.” [Office Action, pp. 6-7] Applicants respectfully request that if the Examiner continues to maintain the rejection of claims 8 and 26 on the basis of Official Notice, that the Examiner provide documentary evidence of the basis of the assertion of what is well known in the art in the next Office Action. MPEP 2144.03, 37 CFR 1.104(c)(2). *See also Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 (“[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings” to satisfy the substantial evidence test.)

10/022,165  
Atty Docket: AUS920010844US1

29

*Conclusion*

In view of the foregoing, Applicant respectfully requests that a corrected election requirement be issued. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

Respectfully submitted,

 4/3/2006

Amy J. Pattillo  
Attorney for Applicants  
Registration No. 46,983  
P.O. Box 161327  
Austin, Tx 78716  
vox 512-402-9820  
fax 512-306-0417

10/022,165  
Atty Docket: AUS920010844US1

30